

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. James Brewer

Docket No. 5:13-CR-132-1D

Petition for Action on Conditions of Pretrial Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting an official report upon the conduct of defendant, James Brewer, who was placed under pretrial release supervision by the Honorable James E. Gates, U.S. Magistrate Judge, sitting in the Court at Raleigh, NC, on the 19th day of June, 2013, under the following conditions:

- Report to the probation office or supervising officer as directed.
- Abide by the following restrictions on personal association, place of abode, or travel: Eastern District of North Carolina.
- Refrain from possessing a firearm, destructive device, or other dangerous weapons.
- Refrain from any use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- Report as soon as possible to the supervising officer any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- Shall consent to a warrantless search of person and property by a United States Probation Officer.

- Defendant shall not operate a motor vehicle.
- Defendant shall submit to remote alcohol testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 8, 2013, the court was notified that the defendant had consumed alcohol. The court continued supervision to allow the defendant to attend treatment. He has been in that program of treatment since August 2, 2013.

On September 27, 2013, the defendant again used alcohol, registering a .05 on the remote alcohol testing equipment.

PRAYING THAT THE COURT WILL ORDER that a hearing be held to determine if the defendant's supervision should be revoked.

/s/ Van R. Freeman, Jr.

Senior U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

Phone: (910) 483-8613

Executed On: September 27, 2013

ORDER OF COURT

Considered and ordered this 30th day of September, 2013, and ordered filed and made a part of the records in the above case.


James E. Gates
United States Magistrate Judge